

**MINUTES**  
**Texas Board of Health Meeting**  
**May 2-3, 2002**

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The May 2, 2002, meeting of the Texas Board of Health (Board) was called to order at 2:35 p.m., at the Texas Department of Health (TDH), 1100 West 49<sup>th</sup> Street, Room M-739, Austin, Texas. Mario R. Anzaldua, M.D., Chair, presided. A quorum was present with members George H. McCleskey, Vice-Chair, Beverly Robinson, Ph.D., R.N., C, F.A.A.N., Margo Scholin, B.S.N., M.S., J.D., Raymond Hannigan and Amanullah Khan, M.D., Ph.D. in attendance.

**Registered Guests**

Stacie and Donnie Zercher, New Braunfels Fire and Rescue  
Gloria Herfurth, New Braunfels Fire and Rescue  
Lillie Gilligan, Glaxo Smith/Kline  
Theresa Tioseco, Cardon Healthcare  
Alex Olivas, Seton Healthcare  
David Filcip, SCH  
Susan Maxwell, Texas Counsel for Developmental Disabilities  
Susan Griffin, Texas Medical Association  
Karen Batory, Texas Medical Association  
John Quintanilla, State Auditor's Office  
Regina Martin, Legislative Budget Board  
David Kinsey, Health and Human Services Commission  
Kelli Soika, House Research Organization  
Jay Bond, Texas Dental Association  
Dinah Welsh, Texas Hospital Association  
Heidi Lopez-Cepero, Governor's Office of Budget and Planning

Dr. Anzaldua welcomed guests. Also in attendance at the meeting were Eduardo J. Sanchez, M.D., M.P.H., Commissioner of Health, and other key staff members of TDH.

ON A MOTION MADE BY MR. MCCLESKEY AND SECONDED BY DR. ROBINSON,  
THE MINUTES OF THE MARCH 24, 2002 TEXAS BOARD OF HEALTH MEETING WERE  
APPROVED.

The Bronze Award from the State Office of Risk Management (SORM) was presented to Wanda Thompson, Ph.D., Associate Commissioner for Operational Support; John Burlinson, Chief, Bureau of Resource Management; Gabe Pina, Jr., Manager of Business Services, Bureau of Resource Management; and Billy Whitfield, Safety Officer, Bureau of Resource Management, for a reduction in the injury frequency rate of ten to thirty percent compared to the average of the previous five years. (*Attachment I*)

A Resolution was presented to recognize the month of May as Osteoporosis Prevention Month. (*Attachment II*)

A Resolution was presented to recognize May 19-25, 2002 as Texas EMS Week and May as Trauma Awareness Month. (*Attachment III*)

Dr. Sanchez spoke regarding recent activities as Commissioner, presented the Commissioner's Report and announced that TDH has been honored by three awards. The School Health Staff were presented the Nursing Excellence Gold Award by NurseRecruiter.Com for their outstanding web site. The Texas Birth Defects Registry was given the highest rating by Trust for American's Health in a report released in February 2002. A public service announcement video about Hepatitis C called "Knife Thrower" has won a silver award from the Portland-based International Creative Summit Group. No action was taken. (*Attachments IV and V*)

Dr. Sanchez shared an email received from the Hispanic Heritage Committee. In observance of Cinco de Mayo, the Hispanic Heritage Committee awarded four high school seniors scholarships for a total of \$3,500. The Committee expressed their appreciation for the support received from Commissioner Sanchez and the Texas Board of Health. (*Attachment VI*)

Dr. Sanchez read highlights from an editorial from the *Dallas Morning News*. Starting next year, the Texas Education Agency is taking measures to decrease childhood obesity by eliminating the vending machines in Texas schools that sell soft drinks, hard candy, gum and other items of minimal nutritional value. Texas elementary school students will be required to participate in a minimum of 135 minutes of physical education each week. Texas is currently leading the nation with the most overweight school children. (*Attachment VII*)

Dr. Sanchez thanked Mr. Raymond Hannigan and Doctors Anzaldua and Khan for participating during Immunization Week with First Lady Anita Perry at press conferences highlighting the importance of immunizations for our children.

Ms. Suzanne Sparks, Director of the Local Public Health Support Division, Office of Public Health Practice, requested approval of proposed amendments to the rules concerning the Innovation Grants to clarify the intent and rename the grant program to the Public Health Improvement Grants. (*Attachment VIII*)

Dr. Robinson requested to go on record that these rules need to go back to stakeholders for input and look at the possibility of funding some of TDH's regional projects. A consensus was reached to move forward with the proposed rules for stakeholder input, and during the comment period, request comments on the eligibility of TDH for the grants and the funding of projects serving rural areas.

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY DR. KHAN, THE BOARD APPROVED THE PROPOSED RULES CONCERNING PUBLIC HEALTH IMPROVEMENT GRANTS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Mr. Jerry Felkner, Director, Division of Oral Health, requested approval of proposed rules, subject to the approval of the State Medicaid Director, concerning the department's Texas Health Steps dental services program in order to implement HB 3507, 77<sup>th</sup> Legislative Session, 2001, which amended Chapter 32 of the Human Resource Code. (*Attachment IX*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY MR. HANNIGAN, THE BOARD APPROVED THE PROPOSED RULES, SUBJECT TO THE APPROVAL OF THE STATE MEDICAID DIRECTOR, CONCERNING THE DEPARTMENT'S TEXAS HEALTH STEPS DENTAL SERVICES PROGRAM FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Teresa Willis, Program Director for the Texas Childhood Lead Poisoning Prevention Program, Environmental Epidemiology and Toxicology, Bureau of Epidemiology, requested approval of proposed rules concerning the reporting of childhood blood levels as required under the Health and Safety Code, Chapter 88. (*Attachment X*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED THE PROPOSED RULES CONCERNING THE REPORTING OF CHILDHOOD BLOOD LEAD LEVELS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Linda S. Linville, M.S., R.N., Chief, Bureau of Immunization and Pharmacy Support, requested approval of a proposed rule concerning immunization requirements for Texas childcare facilities, elementary and secondary schools and institutions of higher education. (*Attachment XI*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY DR. ROBINSON, THE BOARD APPROVED THE PROPOSED RULES CONCERNING THE IMMUNIZATION REQUIREMENTS IN TEXAS CHILDCARE FACILITIES, ELEMENTARY AND SECONDARY SCHOOLS, AND INSTITUTIONS OF HIGHER EDUCATION FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Linda S. Linville, M.S., R.N., Chief, Bureau of Immunization and Pharmacy Support, requested approval of proposed rules concerning the criteria for issuing yellow fever immunization stamps to physicians and to delete all references to cholera vaccination and validation of cholera vaccination. (*Attachment XII*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED THE PROPOSED RULES CONCERNING THE CRITERIA FOR ISSUING YELLOW FEVER VACCINATION STAMPS TO PHYSICIANS AND THE DELETION OF ALL REFERENCES TO CHOLERA VACCINATION FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Ms. Margaret C. Méndez, Chief, Bureau of Women's Health, requested final adoption of rules concerning the operation of the Texas Breast and Cervical Cancer Control Program. As required by Government Code 2001.039, the sections have been reviewed, revised and determined that reasons for their adoption continue to exist. (*Attachment XIII*)

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY DR. KHAN, THE BOARD APPROVED AN ORDER ADOPTING THE RULES CONCERNING THE OPERATION OF THE TEXAS BREAST AND CERVICAL CANCER CONTROL PROGRAM TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Mr. Thomas E. Brinck, Director of Programs, Drugs and Medical Devices Division, Bureau of Food and Drug Safety, requested final adoption of amendments to rules concerning licensure of tanning facilities. The amendments clarify and update minimum standards for tanning facilities in order to bring the sections into conformance with the statutory provisions of HB 663, passed during the 77<sup>th</sup> Texas Legislature, and to allow the department to recover the costs of administering a regulatory program to inspect tanning facilities. (*Attachment XIV*)

ON A MOTION MADE BY DR. KHAN AND SECONDED BY MR. MCCLESKEY, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING THE LICENSURE OF TANNING FACILITIES TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Ms. Diana Salzman, Program Specialist, Environmental and Occupational Epidemiology Program, Bureau of Epidemiology, requested final adoption of the rule concerning the Reportable Occupational Conditions Act. The final amendment changes the current name of the division responsible to receive reports and minor editorial changes were made to improve accuracy. (*Attachment XV*)

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY DR. ANZALDUA, THE BOARD APPROVED AN ORDER ADOPTING THE RULE CONCERNING THE REPORTABLE OCCUPATIONAL CONDITIONS ACT TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE

## TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

Dr. Beverly Robinson, spoke regarding an appointment of a non-consumer/non-physician member to serve an unexpired term ending December 31, 2004, on the Kidney Health Care Advisory Committee. There were eleven applications submitted. (*Attachment XVI*)

ON A MOTION MADE BY DR. ROBINSON AND SECONDED BY MR. MCCLESKEY, THE BOARD APPROVED THE APPOINTMENT OF MARY B. HARDY, R.D. TO THE KIDNEY HEALTH CARE ADVISORY COMMITTEE WITH A TERM TO EXPIRE ON DECEMBER 31, 2004.

Ms. L. Jann Melton-Kissel, Chief, Bureau of Children's Health, presented an update on the Children with Special Healthcare Needs (CSHCN) budget shortfall issues for FY02 and FY03. No action was taken. (*Attachments XVII – XVIII*)

Dr. Robinson and Mr. McCleskey commended the staff on their success in improving communications with the CSHCN Advisory Committee and efforts to resolve the issues caused by the CSHCN budget shortfall. A discussion followed among the Board members, Dr. Sanchez, Charles E. Bell, M.D., Executive Deputy Commissioner, and Debra Stabeno, Deputy Commissioner for Administration, regarding the Board's involvement in finding other funding sources. Dr. Khan and Ms. Scholin were recognized for working with stakeholders and staff in their respective roles. No action was taken.

Dennis M. Perrotta, Ph.D., CIC, State Epidemiologist, presented an update on the application for supplemental funding for the Centers for Disease Control and Prevention Public Health Preparedness Grant and on the Bioterrorism Hospital Preparedness Program. No action was taken. (*Attachments XIX - XX*)

Mr. Ben Delgado, Deputy Commissioner for Administration, provided an update regarding the Health and Human Services Administrative Services (HHSAS) improvement/consolidation initiatives. An initial plan will be submitted for Human Resources consolidation on June 1, 2002. No action was taken. (*Attachment XXI*)

Dr. Anzaldúa announced a recess at 5:12 p.m.

Dr. Anzaldúa reconvened the meeting at 8:40 a.m., on Friday, May 3, 2002. Other Board members in attendance were Ms. Margo Scholin, Dr. Beverly Robinson, Mr. Raymond Hannigan, Mr. George McCleskey and Dr. Amanullah Khan.

Mr. Ben Delgado, Deputy Commissioner for Administration, provided an overview of the recent activities of each of the work groups associated with the Health and Human Services (HHS) Administrative Services Improvement (ASI) Project. Ms. Machele Pharr, Chief Financial Officer, spoke regarding the HHSAS Financials. Ms. Sharon Brewer, Project Manager, Bureau of Human Resources, spoke regarding the Human Resource Management System (HRMS) aspect of HHSAS. Mr. Bob Launius, CPA, Project Manager with EpicEdge, is responsible for integrating the MHMR, TDH and HHSC implementations. He explained that the HHS agencies are connected to the financial and human resources systems through a facility in San Angelo so all agencies can access the same applications. Mr. Hannigan and Mr. McCleskey expressed their concerns with the consolidation of HHS agencies. No action was taken. (*Attachment XXII*)

Mr. Bobby Lane, Director, Office of Business Improvement, presented an update on the activities of the Business Improvement Team. The Team is assisting the State Auditor's Office in their current review of the Business Improvement Team activities. The third quarter progress report on the Business Practices Evaluation recommendations will be issued during the month of May to the various oversight agencies. No action was taken.

Ms. L. Jann Melton-Kissel, Chief, Bureau of Children's Health, presented an update on the audit of the Medical Transportation Program. The Texas Department of Health agrees with the recommendations outlined in the review and has developed a corrective action plan which identifies action items, responsible parties, desired outcomes and target dates for completion. Dr. Robinson complimented staff on their action plan. No action was taken. (*Attachments XXIII - XXIV*)

Mr. Mark Scott, CPA, MBA, Director of Internal Audit, discussed recent reviews of the Internal Audit function. Mr. Scott discussed recently issued audit reports and gave a brief update on the HHSAS review. All audit reports are available upon request. Dr. Sanchez addressed concerns the Board had regarding the affects of the HHSC consolidation. No action was taken. (*Attachment XXV*)

Ms. Machele Pharr, Chief Financial Officer, presented the Strategic Financial Issues Report for the second quarter of fiscal year 2002. Al Beavers, HUB Coordinator, gave a performance report regarding Historically Underutilized Businesses (HUB). Dr. Robinson requested that the employee(s) that came up with the idea to require uniforms, purchased from a HUB, for identification purposes should be nominated for an award for their idea. Tim Horn, Laboratory Project Manager, reported the move into the new laboratory building should be completed by October 1<sup>st</sup>. Rick Danko, Dr. P.H., Office of Strategic Health Planning, spoke regarding the HHSC Priority Initiatives Quarterly Progress Report. No action was taken. (*Attachment XXVI*)

Sharilyn K. Stanley, M.D., Associate Commissioner for Disease Control and Prevention, reported on plans for the use of laboratory funds to be submitted to the Legislative Budget Board and the Governor. No action was taken. (*Attachment XXVII*)

Rick Danko, Dr. P.H., Office of Strategic Health Planning, reported on the modification of the Texas Department of Health's 2004-2005 Strategic Planning/Budget Structure to align with the public health activities of the health care safety net and the essential public health services. No action was taken. (*Attachment XXVIII*)

Rick Danko, Dr. P.H., Office of Strategic Health Planning, presented a report on the draft of the Health of Texans Report which is an analysis of health problems and risks in Texas with comparisons to national data. The report will be limited to statewide action and will be published in late June 2002. Some or all of the report will be included in the required TDH Public Health Improvement Plan and a small part of the report will be included in the TDH Strategic Plan. Dr. Robinson requested the inclusion of Border Health issues and regulatory programs. No action was taken. (*Attachment XXIX*)

Rick Danko, Dr. P.H., Office of Strategic Health Planning, presented a summary of recent activities associated with the development of the 2002 Public Health Improvement Plan. The plan will include overviews of health status and public health system issues, make recommendations for specific proposed actions to enhance essential public health services statewide, summarize TDH's implementation of the previous comprehensive strategic and operational plan, and define a new set of targets for improvement. A draft will be presented at the June Board of Health meeting. No action was taken.

Ms. Machel Pharr, Chief Financial Officer, presented information on the process being used by the agency to develop the Legislative Appropriation Request for the 2004-2005 biennium. The update will include information on target timelines. A draft for review and final approval will be presented at the July Board of Health Meeting. No action was taken. (*Attachment XXX*)

Ms. Susan K. Steeg, General Counsel, Office of General Counsel, showed a training video presented by Assistant Attorney General Jim Todd and Nelly R. Herrera, Chief-Tort Litigation Division, of the Office of the Attorney General. The video presents information on agency, official and employee liability and immunity from the 2001 Government Law and Liability Conference. A discussion followed among the Board members and Ms. Steeg. No action was taken. (*Attachment XXXI*)



There were no public comments.

Dr. Anzaldua announced the next meeting of the Texas Board of Health will be held on Thursday, June 13, 2002, in Austin.

The meeting was adjourned on Friday, May 3, 2002, at 12:12 p.m.

APPROVED: June 13, 2002

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Mario R. Anzaldua, M.D., Chair  
Texas Board of Health

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Date